

# House Daily Reader

# Monday, February 24, 2003

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# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

400I0207

## HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO. **SB 23** - 02/13/2003

Introduced by: The Committee on Agriculture and Natural Resources at the request of the  
Department of Agriculture

1 FOR AN ACT ENTITLED, An Act to grant counties greater authority to prohibit the use of  
2 fireworks during periods of extreme fire danger.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 34-37-19 be amended to read as follows:

5 34-37-19. Any county may, by resolution, regulate or prohibit the use of fireworks, other  
6 than fountains, ground spinners, toy novelties, sparklers, and smoke items, outside the  
7 boundaries of any municipality in those areas where the fire danger, as determined by use of the  
8 rangeland fire index as established by rule promulgated pursuant to chapter 1-26, by the secretary  
9 of agriculture ~~or his designee~~, has reached the extreme category in that county ~~for two~~  
10 ~~consecutive days~~ during the period from June twentieth ~~through June twenty-seventh~~ to July  
11 fifth, inclusive. During such period, the county's action is suspended if the rangeland fire index  
12 falls below the very high category and shall again become effective if the rangeland fire index  
13 reaches the extreme category.



# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

770I0290

## SENATE APPROPRIATIONS COMMITTEE

### ENGROSSED NO. **SB 29** - 01/31/2003

Introduced by: The Committee on Appropriations at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to construct an addition  
2 to the Darold "Dud" King Physical Education Center at the South Dakota School of Mines  
3 and Technology and to make an appropriation therefor.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. The South Dakota Board of Regents may contract for the construction,  
6 completion, finishing, equipping, and maintaining of an addition to the Darold "Dud" King  
7 Physical Education Center at the South Dakota School of Mines and Technology in Rapid City,  
8 including utilities, furnishings, architectural and engineering services, asbestos abatement, site  
9 preparation, and the construction of sidewalks and driveways and landscaping the grounds of  
10 that facility at the estimated cost of five hundred ninety thousand three hundred dollars  
11 (\$590,300).

12 Section 2. Funding for the project authorized in section 1 of this Act is to be provided from  
13 gifts and grants to the South Dakota School of Mines and Technology for this purpose. The  
14 Board of Regents may accept any gifts for the purposes authorized by this Act, and all such  
15 moneys so contributed are hereby appropriated to the Board of Regents.



1       Section 3. The design and construction of the facilities approved by this Act shall be under  
2       the general supervision of the Bureau of Administration as provided in chapter 5-14.

3       Section 4. The commissioner of the Bureau of Administration and the executive director of  
4       the Board of Regents shall approve vouchers and the state auditor shall draw warrants to pay  
5       expenditures authorized by this Act.

6       Section 5. No general fund dollars may be used for maintenance and repair of the facility  
7       authorized by this Act, nor may the facility be added to any list of projects receiving funding  
8       support from the statewide maintenance and repair fund created in § 5-14-30.

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

707I0332

## SENATE ENGROSSED NO. **SB 41** - 02/05/2003

Introduced by: The Committee on Commerce at the request of the Public Utilities  
Commission

1 FOR AN ACT ENTITLED, An Act to provide for the creation of a no solicitation calls list for  
2 persons wishing not to receive unsolicited telephone calls, to create a telephone solicitation  
3 account, and to establish certain fees and civil penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 49-31-1 be amended to read as follows:

6 49-31-1. Terms used in this chapter mean:

- 7 (1) "Addressable," enabling users to connect and communicate with a specific party easily  
8 and securely on a dial-up, addressable basis;
- 9 (2) "Available," ensuring that network services are available if the user requires them,  
10 even at times of peak usage; designed to be a nonblocking network, minimizing  
11 network contention;
- 12 (3) "Broadband network," the broadband network extends the range of fully switched,  
13 addressable, robust transport services over the fiber network which increase in  
14 multiples of OC-1 (51.84 Mbps), including OC-3 (155.52 Mbps) and OC-12 (622.08  
15 Mbps);



- 1       (4) "Centron and centron-like services," services which provide custom switching features  
2           which include distributive dial tone, select number screening, toll restriction and  
3           screening, nonattendant busy out, nonattend and call transfer, and select trunk hunting  
4           and screening;
- 5       (5) "Commission," the Public Utilities Commission;
- 6       (6) "Common carrier," anyone who offers telecommunications services to the public;
- 7       (7) "Eligible telecommunications carrier," a local exchange carrier designated by the  
8           commission pursuant to 47 U.S.C. § 214(e) as of January 1, 1998, as eligible to  
9           receive universal service support funding;
- 10      (8) "Feature rich," providing the specific features and functionality required by users'  
11          voice, data, video, graphics, imaging, and multimedia applications; functionally  
12          beyond mere transport;
- 13      (8A) "Financial institution," any financial institution as defined in 15 U.S.C. § 6827 as of  
14          January 1, 2003, including any financial institution affiliate that controls, is controlled  
15          by, or is under common control with the financial institution;
- 16      (9) "Incumbent local exchange carrier," a local exchange carrier, including successors and  
17          assigns, which was providing local exchange service within a defined service area in  
18          this state on or before February 8, 1996;
- 19      (10) "Interexchange telecommunications service," telecommunications service between  
20          points in two or more exchanges;
- 21      (11) "LATA," a local access and transport area;
- 22      (12) "Local exchange area," ~~a~~ any geographic area established by a local exchange carrier  
23          as filed with or approved by the commission for the administration of local  
24          telecommunications service which may consist of one or more central offices or wire

1 centers together with associated facilities used in furnishing telecommunications  
2 service in that area;

3 (13) "Local exchange service," the access to and transmission of two-way switched  
4 telecommunications service within a local exchange area;

5 (14) "Narrowband network," a fully switched digital network covering the transport range  
6 from 0 to 144,000 bits per second (144 Kbps), offering two 64 Kbps information B  
7 (Bearer) channels and a 16 Kbps signaling D (Delta) channel;

8 (15) "New products and services," any new product or service introduced after July 1,  
9 1988, which is not functionally required to provide local exchange service.  
10 Repackaging of any product or service which is fully competitive with any service  
11 regulated as emerging competitive or noncompetitive is not considered a new product  
12 or service;

13 (16) "Optional service," a any limited or discretionary service offered by a  
14 telecommunications company which is not functionally required for the provision of  
15 noncompetitive services and which the customer has the option to purchase;

16 (17) "Private," ensuring confidentiality and integrity of network transport of messages  
17 without dependency on specialized customer premise security devices;

18 (18) "Rate of return regulation," the procedure used by the commission to approve the  
19 charge for a service which gives due consideration to the public need for adequate,  
20 efficient, and reasonable service and to the need of the public utility for revenues  
21 sufficient to enable it to meet its total current cost of furnishing such service, including  
22 taxes and interest, and including adequate provision for depreciation of its utility  
23 property used and necessary in rendering service to the public, and to earn a fair and  
24 reasonable return upon the value of its property;

- 1       (19) "Register," a list of names and telephone numbers of residential telephone subscribers  
2       who have properly enrolled to prevent unsolicited telephone calls;
- 3       (20) "Residential telephone subscriber," any person residing in the state who has residential  
4       telephone service, including cellular service, personal communications service, and  
5       wireless local loop service, primarily used for personal use;
- 6       (21) "Robust," easily and economically sustaining the rigors of growth and extensive public  
7       use;
- 8       ~~(20)~~(22) "Rural telephone company," a any local exchange company as defined in 47  
9       U.S.C. § 153(37) as of January 1, 1998;
- 10      ~~(21)~~(23) "Secure," physically precluding unwanted access to network and information;
- 11      ~~(22)~~(24) "Service area," a geographic area established by the commission for the  
12      purpose of determining universal service obligations and support mechanisms.  
13      For a rural telephone company, the service area is the company's study area or  
14      any other area designated jointly by the commission and the Federal  
15      Communications Commission pursuant to 47 U.S.C. § 214(e)(5) as of  
16      January 1, 1998;
- 17      ~~(23)~~(25) "Standard," supporting universal interfaces and networking standards and  
18      protocols of generally accepted standards setting bodies;
- 19      ~~(24)~~(26) "Switched," providing circuit, packet, or channel type switching, each suited  
20      to specific application requirements;
- 21      ~~(25)~~(27) "Switched access," ~~an~~ any exchange access service purchased for the  
22      origination and termination of interexchange telecommunications services  
23      which includes central office switching and signaling, local loop facility, or  
24      local transport;



1       ~~(26)~~(28)     "Telecommunications company," any person or municipal corporation owning,  
2                   operating, reselling, managing, or controlling in whole or in part, any  
3                   telecommunications line, system, or exchange in this state, directly or  
4                   indirectly, for public use. For purposes of this definition the term, for public  
5                   use, means for the use of the public in general or for a specific segment of the  
6                   public, or which connects to the public in general or for a specific segment of  
7                   the public, or which connects to the public switched network for access to any  
8                   telecommunications service;

9       ~~(27)~~(29)     "Telecommunications service," the transmission of signs, signals, writings,  
10                   images, sounds, messages, data, or other information of any nature by wire,  
11                   radio, lightwaves, electromagnetic means, or other similar means. It does not  
12                   include the provision of terminal equipment used to originate or terminate such  
13                   service, broadcast transmissions by radio, television, and satellite stations  
14                   regulated by the Federal Communications Commission and one-way cable  
15                   television service;

16       (30)     "Telephone solicitation call," any call made to a South Dakota consumer by a  
17                   telephone solicitor, originating from South Dakota or elsewhere, for the purpose of  
18                   soliciting a sale of any consumer goods or services to the person called, for the  
19                   purpose of soliciting an extension of credit for consumer goods or services to the  
20                   person called, or for the purpose of obtaining information that may be used for the  
21                   direct solicitation of a sale of consumer goods or services to the person called or an  
22                   extension of credit for such purposes;

23       (31)     "Telephone solicitor," any person or organization who individually or through  
24                   salespersons, makes or causes to be made a telephone solicitation call. This term does

1 not include any not-for-profit or charitable organization exempt from federal income  
2 taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986 as of  
3 January 1, 2003, which makes telephone calls solely to solicit a charitable donation;

4 (32) "Unsolicited telephone call," any telephone solicitation call other than a call made:

5 (a) In response to an express request of the person called;

6 (b) Primarily in connection with an existing debt or contract, payment or  
7 performance of which has not been completed at the time of such call;

8 (c) To any person with whom the telephone solicitor, or any business or financial  
9 institution on whose behalf the telephone call is being made has an established  
10 business relationship or a business relationship that existed within the  
11 immediately preceding twelve months; or

12 (d) To any person for the purpose of obtaining information and establishing a date  
13 and time for an appointment with the telephone solicitor which will take place  
14 at the solicitor's place of business or the consumer's home and the call is not  
15 made by an automated telephone dialing system. For purposes of this  
16 subsection, an automated telephone dialing system is any automatic terminal  
17 equipment that stores or produces numbers to be called randomly or  
18 sequentially;

19 ~~(28)~~(33) "Wideband network," the wideband network extends the range of fully  
20 switched, digital, addressable information transport from the 144 Kbps to the  
21 DS3 rate of 44.736 Mbps, including the DS1 and DS2 rates of 1.544 Mbps and  
22 6.312 Mbps, respectively.

23 Section 2. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as  
24 follows:

1 Any telephone solicitor who makes unsolicited telephone calls shall institute procedures that  
2 comply with the provisions of this Act for obtaining a list of persons who do not wish to receive  
3 unsolicited telephone calls made by or on behalf of the telephone solicitor. No telephone solicitor  
4 who makes unsolicited telephone calls may call any number listed on the register. The  
5 commission may promulgate rules, pursuant to chapter 1-26, concerning procedures and  
6 requirements regarding the implementation of a register, setting of fees for purchase of the  
7 register, form of the application, requirements for acquiring a copy of the register, requirements  
8 for enrollment on and removal from the register, procedures for maintaining a register, setting  
9 of fees to enroll or renew enrollment on the register, procedures for operating the register,  
10 standards concerning the use of the register, and application of the civil fines.

11 Section 3. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 The commission shall maintain a register of names and telephone numbers of each South  
14 Dakota residential telephone subscriber who has elected not to receive unsolicited telephone  
15 calls.

16 Section 4. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as  
17 follows:

18 Any telephone solicitor who makes unsolicited telephone calls to South Dakota residential  
19 telephone subscribers shall obtain a copy of the register from the commission. The register shall  
20 be updated not more often than quarterly. Each telephone solicitor shall submit an application  
21 to the commission to obtain a copy of the register. Any telephone solicitor desiring to make an  
22 unsolicited telephone call shall update his or her copy of the register within thirty days after the  
23 receipt of the register.

24 Section 5. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as

1 follows:

2       There is hereby established in the state treasury, the telephone solicitation account. Unless  
3 otherwise provided by law, this fund shall consist of all fees and fines imposed pursuant to this  
4 Act designated for deposit in the fund. The fund shall be maintained separately and administered  
5 by the commission to implement and administer provisions of this Act. Any interest earned on  
6 money in the fund shall be deposited in the fund. Expenditures from the fund shall be budgeted  
7 through the normal budget process. Unexpended funds and interest shall remain in the fund until  
8 appropriated by the Legislature. Any expenditure from the fund shall be disbursed on warrants  
9 drawn by the state auditor and shall be supported by vouchers approved by the commission.

10       Section 6. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as  
11 follows:

12       Any telephone solicitor who makes unsolicited telephone calls to South Dakota residential  
13 telephone subscribers shall pay to the commission an annual fee of not more than five hundred  
14 dollars. Fees collected under this section shall be credited to the telephone solicitation account.

15       Section 7. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as  
16 follows:

17       The commission shall establish or provide for the operation of a register. The register may  
18 be operated by the commission or by another entity under contract with the commission. A  
19 residential telephone subscriber may enroll on the register in accordance with procedures  
20 prescribed by the commission. A subscriber shall pay to the commission a fee, set pursuant to  
21 section 2 of this Act, of not more than five dollars to be listed on the register. Fees collected  
22 under this section shall be credited to the telephone solicitation account established in section 5  
23 of this Act.

24       Section 8. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 Notwithstanding the provisions of chapter 49-1A, the commission may use amounts  
3 deposited in the gross receipts tax fund to implement this Act. All funds used shall be returned  
4 to the gross receipts tax fund within three years of implementation of the register.

5 Section 9. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 Any telecommunications company that provides local exchange service shall inform its  
8 customers of the provisions of this Act by publication of the notice in the consumer pages of its  
9 telephone directories.

10 Section 10. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as  
11 follows:

12 Any person who violates this Act or any rules promulgated pursuant to this Act is subject  
13 to a civil penalty to be imposed by the commission, after notice and opportunity for hearing. The  
14 commission may impose a civil fine of not more than five thousand dollars for each offense. In  
15 determining the amount of the penalty upon finding a violation, or the amount of a compromise  
16 settlement, the commission shall consider the appropriateness of the penalty to the size of the  
17 business of the person charged, prior offenses and compliance history, and the good faith of the  
18 person charged in attempting to achieve compliance. Any telephone solicitation made to a person  
19 whose name first appears on the register is not a violation of this Act if the solicitation is made  
20 within thirty days of the receipt of the register. Any penalty collected pursuant to this section  
21 shall be credited to the telephone solicitation account established pursuant to section 5 of this  
22 Act.

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

534I0109

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 58** - 01/29/2003

Introduced by: Senators Vitter, Albers, Duniphan, Ham, Kleven, and McCracken and  
Representatives Madsen, Lintz, McCoy, McLaughlin, and Pederson (Gordon)

1 FOR AN ACT ENTITLED, An Act to establish the value added tourism subfund and to provide  
2 for its funding and disbursement.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 1-16G be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 There is created within the revolving economic development and initiative fund, created in  
7 § 1-16G-3, the value added tourism subfund. The purpose of the subfund is to make grants or  
8 loans for tourism development, feasibility studies, or marketing.

9 Section 2. That chapter 1-16G be amended by adding thereto a NEW SECTION to read as  
10 follows:

11 For purposes of this Act, the term, value added tourism, means the development of new or  
12 underused tourism-related activities, sites, or destinations that use historical, cultural, scenic,  
13 wildlife, or other resources so that new tourists or visitors are drawn to South Dakota or so that  
14 current classes and types of tourists or visitors lengthen their stay in South Dakota or pursue  
15 additional activities or destinations during their stay.



1       Section 3. That chapter 1-16G be amended by adding thereto a NEW SECTION to read as  
2 follows:

3       The Board of Economic Development shall designate three million dollars of the money in  
4 the revolving economic development and initiative fund for the purposes of the value added  
5 tourism subfund.

6       Section 4. That chapter 1-16G be amended by adding thereto a NEW SECTION to read as  
7 follows:

8       The Board of Economic Development shall administer the value added tourism subfund and  
9 make grants or loans from the value added tourism subfund. The value added tourism subfund  
10 shall be used to develop and promote value added tourism in South Dakota.

11       Section 5. That chapter 1-16G be amended by adding thereto a NEW SECTION to read as  
12 follows:

13       In connection with the administration of the value added tourism subfund, the Board of  
14 Economic Development may, pursuant to chapter 1-26, promulgate rules to:

- 15       (1)   Set the application procedures for those who apply for loans or grants from the value  
16            added tourism subfund;
- 17       (2)   Establish criteria to determine which applicants will receive such loans or grants;
- 18       (3)   Govern the use of proceeds of such loans or grants;
- 19       (4)   Establish criteria for the terms and conditions upon which such loans or grants shall  
20            be made, including the terms of security given, if any, to secure such loans; and
- 21       (5)   Govern the use of proceeds by lenders of funds advanced to the lenders by the board  
22            including the terms and conditions upon which the proceeds shall be loaned to  
23            borrowers for the purposes described in this Act.

24       Section 6. That § 1-16G-24 be amended to read as follows:

1        1-16G-24. Earnings on the revolving economic development and initiative fund, the value  
2        added tourism subfund, and the value added agriculture subfund may be used for the  
3        administrative costs of the Division of Finance of the Governor's Office of Economic  
4        Development. Such earnings shall be expended in accordance with the provisions of Title 4 on  
5        warrants drawn by the state auditor on vouchers approved by the commissioner of the  
6        Governor's Office of Economic Development. Eligible expenses may not exceed total interest  
7        earnings during the previous fiscal year prior to the deduction of loan losses for the same fiscal  
8        year.



# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

400I0554

SENATE APPROPRIATIONS COMMITTEE

ENGROSSED NO. **SB 80** - 01/31/2003

Introduced by: The Committee on Appropriations at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to establish the Richard Hagen-Minerva Harvey memorial  
2 scholarship program and to make an appropriation therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Pursuant to the donation and intent of Minerva I. Harvey, deceased August 25,  
5 1999, as expressed by Article 2 of her Last Will and Testament and presented for probate in the  
6 State of New Jersey, Gloucester County Surrogate's Court, there is hereby established within  
7 the Department of Education and Cultural Affairs the Richard Hagen-Minerva Harvey memorial  
8 scholarship program.

9 Section 2. The Richard Hagen-Minerva Harvey memorial scholarship program shall be  
10 administered by a five-member board named the Richard Hagen-Minerva Harvey Memorial  
11 Scholarship Board which is hereby established. The members shall be appointed by the Governor  
12 for a term of five years, except that the initial appointments shall be for periods of one, two,  
13 three, four, and five years. The Governor shall appoint one member as the temporary chair of  
14 the board. The board shall elect officers at its first meeting. The board shall meet no more than  
15 four times a year, not including telephonic conferences, as may be necessary to complete its



responsibilities as prescribed by this Act. No more than three members of the board may be of the same political party. At least two members of the board shall be enrolled members of a tribe located in South Dakota. A majority of the board shall be present either personally or telephonically to constitute a quorum.

Section 3. In order to be eligible for a Richard Hagen-Minerva Harvey memorial scholarship award, a student shall:

- (1) Have graduated from a South Dakota accredited high school;
- (2) Have met high school graduation requirements established by rules promulgated pursuant to chapter 1-26 by the Department of Education and Cultural Affairs;
- (3) Attend a public or nonpublic accredited university, college, or technical institute located in South Dakota;
- (4) Apply for a Richard Hagen-Minerva Harvey memorial scholarship within one year after graduating from high school or within one year of the student's release from active duty with an active component of the armed forces if the release is within five years of the student's graduation from high school; and
- (5) Be an enrolled member of a tribe whose reservation is located in whole or part in South Dakota.

Section 4. Scholarship award payments shall be made to the institution at the beginning of the fall or spring semester on behalf of the eligible student who has received a Richard Hagen-Minerva Harvey memorial scholarship. The amount of the award is as follows:

- (1) Not less than one thousand dollars for the first year of attendance;
- (2) Not less than one thousand dollars for the second year of attendance;
- (3) Not less than one thousand five hundred dollars for the third year of attendance; and
- (4) Not less than two thousand five hundred dollars for the fourth year of attendance.

1       Section 5. The board may award no more than seven scholarships per year.

2       Section 6. In order to maintain eligibility, a student who has been awarded a Richard Hagen-  
3 Minerva Harvey memorial scholarship shall:

4       (1)    Maintain a cumulative 2.5 grade point average on a 4.0 grade point scale;

5       (2)    Be continuously enrolled for the fall and spring semesters in a public or nonpublic  
6            accredited university, college, or technical institution; and

7       (3)    Complete the equivalent of at least fourteen credit hours of instruction per semester.

8       Section 7. If factors beyond the control of a student who has been awarded a Richard Hagen-  
9 Minerva Harvey memorial scholarship prevent the student from meeting the requirements in  
10 section 6 of this Act, the board may temporarily waive the requirements of section 6 of this Act  
11 as eligibility criteria.

12       Section 8. The Department of Education and Cultural Affairs shall provide necessary support  
13 services to the board created by this Act.

14       Section 9. There is hereby continuously appropriated to the Department of Education and  
15 Cultural Affairs any other fund expenditure authority necessary for the department to accept and  
16 expend money the department may receive from any source for the purpose for providing a  
17 Richard Hagen-Minerva Harvey memorial scholarship.

18       Section 10. The secretary of the Department of Education and Cultural Affairs shall approve  
19 vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

20       Section 11. The Department of Education and Cultural Affairs may promulgate rules  
21 pursuant to this Act and chapter 1-26 to accept applications for a Richard Hagen-Minerva  
22 Harvey memorial scholarship, establish criteria to award a Richard Hagen-Minerva Harvey  
23 memorial scholarship, and to maintain eligibility for a Richard Hagen-Minerva Harvey memorial  
24 scholarship.

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

373I0373

## SENATE COMMERCE COMMITTEE ENGROSSED NO. **SB 135** - 02/06/2003

Introduced by: Senators Duenwald, Abdallah, Apa, Dennert, Diedrich (Larry), Duxbury, Kelly, Kleven, Kloucek, Koetzle, Kooistra, Koskan, Moore, Nachtigal, Napoli, Olson (Ed), Reedy, Sutton (Dan), Sutton (Duane), and Vitter and Representatives Sebert, Bartling, Begalka, Burg, Dykstra, Elliott, Fryslic, Garnos, Hanson, Hargens, Haverly, Juhnke, Klaudt, Koistinen, Kraus, Kroger, Lange, McCoy, Murschel, Nesselhuf, Novstrup, O'Brien, Pederson (Gordon), Putnam, Rounds, Schafer, Smidt, Valandra, and Van Gerpen

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the practice of  
2 optometry.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 36-7-1 be amended to read as follows:

5 36-7-1. The practice of optometry is declared to be a profession and defined as examination  
6 of the human eye and its appendages, and the employment of any means for the measurement  
7 of the powers of visions, or any visual, muscular, neurological, interpretative, or anatomical  
8 anomalies of the visual processes, and the prescribing or employment of lenses, prisms, frames,  
9 mountings, visual training procedure, ~~topical~~ the prescribing or administration, except by  
10 injection of pharmaceutical agents ~~and oral analgesic agents for diagnostic~~ rational to the  
11 diagnosis and treatment ~~purposes~~ of the human eye and its appendages, and any other means or  
12 method for the correction, remedy, or relief of any insufficiencies or abnormal conditions of the



1 visual processes of the human eye and its appendages except surgery. However, an optometrist  
2 may remove superficial foreign bodies from the eye. The prescription of contact lenses, except  
3 by a practitioner licensed under chapter 36-4, constitutes the practice of optometry. An  
4 optometrist is one who practices optometry under the provisions of this chapter.

5 Section 2. That § 36-7-33 be repealed.

6 ~~—36-7-33. No oral therapeutic agent may be prescribed by an optometrist therapeutically~~  
7 ~~certified under this chapter for glaucoma or ocular hypertension.~~

8 Section 3. That chapter 36-7 be amended by adding thereto a NEW SECTION to read as  
9 follows:

10 No optometrist may prescribe, administer, or dispense any oral therapeutic agent to any child  
11 under twelve years of age, or any oral steroid to any person, without prior consultation with a  
12 physician licensed pursuant to chapter 36-4.

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

384I0173

## SENATE COMMERCE COMMITTEE ENGROSSED NO. **SB 136** - 02/06/2003

Introduced by: Senators Bogue, Dennert, and Kelly and Representatives Deadrick (Thomas)  
and Gillespie

1 FOR AN ACT ENTITLED, An Act to revise certain format standards for real estate documents  
2 filed at the register of deeds.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 43-28-23 be amended to read as follows:

5 43-28-23. Any real estate document recorded with the register of deeds, except for plats,  
6 shall:

7 (1) Consist of one or more individual sheets measuring no larger than 8.5 inches by 14  
8 inches. ~~Beginning on July 1, 2004, the document shall consist of one or more~~  
9 ~~individual sheets measuring no larger~~ and no smaller than 8.5 inches by 11 inches. No  
10 sheet may be attached or affixed to a page that covers up any information or printed  
11 material on the document. Any continuous document or any document sheets that are  
12 stapled, glued, or bound together are subject to the additional fee established pursuant  
13 to subdivision 7-9-15(1);

14 (2) Be printed, typewritten, or computer generated in black ink and the print type of the  
15 document may not be smaller than 10-point type;



- 1       (3)    Be on white paper of not less than twenty pound weight;
- 2       (4)    Contain a blank space at the top measuring no less than three inches as measured
- 3           from the top of the first page. The right half shall be used by the register of deeds for
- 4           recording information and the left half shall be used ~~to designate~~ by the document
- 5           preparer as required pursuant to § 7-9-1 and may include a return designation and
- 6           address. ~~Any subsequent page~~ All other margins shall ~~have~~ be a minimum of a one
- 7           inch margin on each side;
- 8       (5)    Have a title prominently displayed at the top of the first page below the blank space
- 9           referred to in subdivision (4) of this section;
- 10      (6)    Be sufficiently legible to reproduce a readable copy using the register of deed's
- 11           current method of reproduction; and
- 12      (7)    Conform to the standards provided in ~~subdivision (1)~~ of this section or be subject to
- 13           the increased fees as provided in § 7-9-15.
- 14       However, the register of deeds may not charge an increased fee for any document that has
- 15       a seal or stamp in a margin. Any affidavit of publication, corner record, survey, certified court
- 16       or governmental document, and UCC form recorded against real estate is exempt from the
- 17       provisions of this section. Any plat or survey and certified vital record attached to documents
- 18       is also exempt from the provisions of this section.
- 19       The provisions of this section do not apply to any real estate document prepared and
- 20       executed prior to July 1, 2002.

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

444I0525

## SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO. **SB 145** - 02/06/2003

Introduced by: Senators Sutton (Duane), Dennert, Duxbury, Moore, Sutton (Dan), and Symens and Representatives Burg, Elliott, Frost, Hundstad, and Novstrup

1 FOR AN ACT ENTITLED, An Act to revise certain Central Plains Water Development District  
2 boundaries.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 46A-3A-2 be amended to read as follows:

5 46A-3A-2. The Central Plains Water Development District is hereby established. The Central  
6 Plains Water Development District includes all of ~~Hand County; Franklin, Union, Banner, Spring~~  
7 ~~Lake, Illinois, Eden, Valley, Douglas, Washington, Loomis, Lincoln, William Hamilton,~~  
8 ~~Holabird, Highmore, and Bramhall townships in Hyde County; Peoria, Mentor, Bryon, Logan,~~  
9 ~~Blunt, Bretton, Harrold, Buckeye, Dry Run, and Canning townships in Hughes County; Lake~~  
10 ~~and Elk townships in Sully County; Enterprise, Freedom, Emerson, Fairview, Saratoga, Pulaski,~~  
11 ~~Myron, Devoe, Wesley, Bryant, Tamworth, Lafoon, Centerville, Pioneer, Orient, Arcade,~~  
12 ~~Hillsdale, and Zell townships in Faulk County; Exline, Redfield, Lodi, Frankfort, Lake, Tulare,~~  
13 ~~Crandon, Lincoln, Buffalo, Garfield, Belmont, and Cornwall townships in Spink County; Nance,~~  
14 ~~Bonilla, Altoona, Pleasant View, Whiteside, Allen, Broadland, Fairfield, Iowa, Wessington,~~  
15 ~~Wolsey, Hartland, Theresa, Valley, Sand Creek, Vernon, Dearborn, Clyde, Custer, Burr Oak,~~





- 1 ~~Kellogg, Carlyle, Grant, and Clifton townships in Beadle County; Faulk, Hand, Hughes, Hyde,~~
- 2 ~~Potter, and Sully counties~~ and all municipalities that lie wholly or partially within the included
- 3 area or that are contiguous to the included area.